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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,203	06/08/2000	Louis Paul Herzberg	13668(YOR9-2000-0348US1)	9980
7590	04/09/2004		EXAMINER	SHANG, ANNAN Q
Richard L Catania Esq Scully Scott Murphy and Presser 400 Garden City Plaza Garden City, NY 11530			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 04/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/590,203	HERZBERG ET AL.
	Examiner	Art Unit
	Annan Q Shang	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 June 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-34 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17 and 29-34, are rejected under 35 U.S.C. 102(e) as being anticipated by **Reynolds et al (6,563,515)**.

As to claim 1, note the **Reynolds et al** reference figures 6-8, disclose program guide system with video window browsing and further disclose a method of providing multilevel information about video-on-demand services, comprising the steps of;

the claimed “generating a display” is met by Set Top Box (STB) 44 (fig. 3 and col. 11, line 56-col. 12, line 15), note that STB 44, includes Storage Device 45, which storages video-on-demand program guide (VOD-PG) data and a processing circuitry that format video, audio and data signals received from television distribution facility 36 into a digital file format such as MPEG-2 standard and displays VOD-PG display 90 on Main Display Screen 72 “a computer display screen” VOD-PG Category 92 “a tree” that includes listing of VOD programs “a plurality of nodes” (col. 12, lines 41-65) and where information about VOD services are embedded in the listing, note that detailed

information about a particular program, such as plot summary, actors, actresses, etc., may be available (col. 12, lines 47-55) by pressing information key 61 (fig. 4).

As to claims 2, 4 and 5, Reynolds further discloses where the embedding steps includes identifying a first and second catalog of a first and second group of aspects of VOD services, forming a matrix from the first and second groups and embedding detailed information of each program under a specific categories "nodes" (col. 12, lines 41-55), note that the VOD programs may be organized according to certain categories, such as "recent releases," "sitcoms," "action/adventure," "comedy," etc., which can be accessed by navigating Remote Control (RC) 50 to the desired category, note further that a matrix is formed from each category, such that each program listed in the list of programs in a given category includes, besides, the program title 94 (Bullworth), run-time of the program 96 and the rating 98 (TV-MA), a more detailed information embedded in the form of a matrix or matrices, which can be accessed by pressing the info key 61 on RC 50 on a selected program.

As to claim 3, Reynolds further discloses identifying categories of the VOD programs and inherently teaches each group of users of the VOD services (col. 12, lines 47-55).

As to claim 6, the claimed system is composed of the same structural elements that were discussed in the rejections of claim 1.

Claims 7, 9 and 10, are met as previously discussed with respect to claims 2, 4 and 5.

Claim 8 is met as previously discussed with respect to claim 3.

As to claim 11, the claimed storage device is composed of the same structural elements that were discussed in the rejections of claim 1.

Claims 12, 14 and 15, are met as previously discussed with respect to claims 2, 4 and 5.

Claim 13 is met as previously discussed with respect to claim 3.

As to claim 16, Reynolds further discloses where the tree is displayed top down (col. 12, lines 41-55), note that the root of the tree is Category 92, which is at the top and the listings of programs follows.

Claim 17 is met as previously discussed with respect to claim 1.

As to claim 29, the claimed method is composed of the same structural elements that were discussed in the rejections of claim 1.

As to claim 30, Reynolds further discloses VOD related entities such as VOD providers, such as 14 HBO, etc., (fig. 7).

Claim 31, is met as previous discussed with respect to claim 30.

As to claims 32 and 33, Reynolds further discloses were the VOD resources are groups of products and inventory information (col. 12, lines 31-51).

Claim 34 is met as previous discussed with respect to claim 2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Reynolds et al (6,563,515)** in view of **Hendricks et al (6,515,680)**.

As to claims 18-22, note the **Reynolds et al** reference figures 6-8, disclose program guide system with video window browsing and further disclose a method for representing interconnection of a plurality of elements of video-on-demand system, the method comprising:

the claimed "providing a first catalog for a first subset of elements..." is met by Set Top Box (STB) 44 (fig. 3 and col. 11, line 56-col. 12, line 15), note that STB 44, includes Storage Device 45, which storages video-on-demand program guide (VOD-PG) data and a processing circuitry that format video, audio and data signals received from television distribution facility 36 into a digital file format such as MPEG-2 standard and displays VOD-PG display 90 on Main Display Screen 72, a VOD-PG Category 92 "a first catalog" that includes listing of VOD programs "first subset of elements" and other Categories, such as "recent releases," "sitcoms," "action/adventure," "comedy," etc., which can be accessed by navigating Remote Control (RC) 50 to the desired category.

Reynolds fails to explicitly teach creating a matrix of connection cells, formed by an intersection of pair of elements, where a first element of each pair is taken from the first catalog and a second element of each pair is taken from the second catalog and forming a connection representation for at least a subset of pairs.

However, note the **Hendricks** reference figures 9-11, discloses a menu driven system, which includes, Home menu, major menu, submenus, categories, such as PPV

categories, etc., and creates a matrix of connection cells form by intersection of pair of elements of each category to form a connection representation for at least a subset of pairs, which permits a user to select elements in a category and receives a plurality of subcategories or submenus and further displays only a portion of the matrix (figs 9-1, col. 27, line 57-col. 28, line 32, and line 33+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hendricks into the system of Reynolds to provide a matrix of categories to enable the user to navigate from one category to the other to select a desired PPV program and further display only a portion of the matrix to permit easy navigation through the lists of items or programs and selection of a desired PPV program.

As to claim 23, Reynolds further employs a wizard within the software program of the STB to form a subset of elements within the Category (col. 12, line 66-col. 13, line 22).

As to claim 24, the claimed article of manufacture is composed of the same structural elements that were discussed in the rejections of claim 18.

As to claim 25, the claimed architecture is composed of the same structural elements that were discussed in the rejections of claim 18.

As to claims 26 and 27, Reynolds further discloses where at least one VOD element is a catalog or category of VOD sub-elements and also peripherally related to VOD (col. 12, lines 31-51).

As to claim 28, Reynolds further discloses where the category elements only related to VOD includes an item from group including customer credit card (col. 14, lines 15-33), note that the user can order a program and furthermore an related or available information request by the user relating to VOD program is also displayed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White et al (6,628,302) disclose interactive video programming method.

Knowles et al (6,505,348) disclose multiple interactive electronic program guide system and methods.

Gerba et al (6,492,997) disclose method and system for providing selectable programming in a multi-screen mode.

Oesterer et al (6,415,298) disclose effective dated tree control in a component based-object oriented convergent customer care and billing.

Shigemi et al (6,314,434) disclose structured data management system and computer-readable method for storing structured data management program.

Allison et al (6,262,722) disclose interactive program guide navigator menu system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.


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